

COL. ROOSEVELT TO JUDGE S. E. BALDWIN

Writes Letter Reviewing Decision
In Case of Hoxie Against N. Y.
N. H. and H. Railway.

FINDS IT NOT PROGRESSIVE

Personally He Feels That It Is in the
Highest Degree Retro-
gressive.

Rochester, N. Y., Oct. 28.—Theodore Roosevelt this evening gave out a copy of another letter which he has written to Judge Simon E. Baldwin, Democratic nominee for governor of Connecticut, regarding labor legislation.

Col. Roosevelt says: "I have received a copy of your opinion as chief justice in the case of William H. Hoxie vs. the New York, New Haven & Hartford Railway company."

"This was a case in which William H. Hoxie, a train hand, an employee of the New York, New Haven & Hartford Railway company, was injured while coupling cars. The injured man sued the railroad. You presided in the appellate court and wrote its opinion declaring the workmen's federal compensation act, under which Hoxie sued, to be unconstitutional, so that he was denied the right to be compensated for his injury."

"Section five of the act provides 'That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall, to that extent, be avoided.'"

"In your decision in question you squarely took ground against the progressive view, which I hold to be essential to the welfare of the workmen of this nation, and, therefore, to the welfare of the whole people. In treating of this opinion of yours, Law Notes, on October 10, wrote as follows: 'In the course of his opinion, he said: At common law a servant can not recover from his master for injuries received from the negligence of a fellow servant acting in the same line of employment. This is a part of the general American law resting upon considerations of right and justice that have been generally accepted by the people of the United States.'"

STANDS WITH LABOR.
"This sentiment would be coldly received, to say the least, by labor unions desirous of securing workmen's compensation act such as the New York legislature passed and Gov. Hughes signed about three months ago. The fellow servant rule is not a divinely inspired precept any more than the contributory negligence or assumption of risk rules."

PEELS IT IS RETROGRESSIVE.
"Personally, I feel that it is in the highest degree retrogressive (or, if you prefer the terms, bourgeois and reactionary), to take the view that the fellow servant rule is a part of the common law and as here you construe it, rest, as you say it does, upon considerations of right and justice."

"On the contrary, I believe that it is in its essence a denial of right and justice, and that progressive judges generally are now taking the position that this is untenable, and progressive legislative bodies are universally acting on it."

"You continue, 'the state of Connecticut has, under her laws, written and unwritten, so regulated the relations of employer and employee, that no action can be maintained in her courts by a servant against his master for personal injuries sustained within her territorial limits, through the negligence of one of his fellow servants, nor for such injuries sustained through the negligence of the master, combined with that of the plaintiff himself, when the latter's negligence essentially contributed to the result, whether it were or were not as great as the master's.' The servant of a common carrier falls within these rules. This is not because of the nature of the master's business. They apply to every servant and every master."

"If this is not retrogressive doctrine, cruel and unjust to the workman, that is, to the servant, as you use the word in your decision, then I would be at a loss to define what kind of doctrine can be called retrogressive as opposed to progressive."

"The position assumed by the court

on this question is without precedent and is entirely untenable in the light of the judicial history of the United States. If a federal right cannot be the basis of a plaintiff's claim in a state court, if those courts derive their power and authority and compensation from the state for the purpose of deciding only controversies arising under the law of the state, written and unwritten, then a defense based upon a federal right would be equally untenable in state courts."

THE STATES AND THE LAW.

"The federal law is imperative, mandatory and paramount over every force of the soil of every state. It is in no sense foreign when its application or enforcement is sought in the courts of a state. No policy of a state can impair its imperative obligation. No official act of a state sworn to support the Constitution of the United States can deny the enforcement of a statute of the United States made in pursuance of the United States Constitution. Such law by the Constitution is made the supreme law of the land anything in the constitution or laws of any state to the contrary notwithstanding."

Mr. Roosevelt in concluding his letter says: "I hold that the welfare of our citizens imperatively demands that these utterly retrogressive principles be completely abandoned in our law that, to quote your own words, 'the written and unwritten laws, that is, the laws made by the legislature and the laws made by the judges shall hereafter be made in a progressive and not a retrogressive spirit, because only in such manner will it be possible really to give to the wage workers of this country the justice which is their due.'"

INDIAN SMOKED AS WAS LED TO EXECUTION
Sacramento, Cal., Oct. 28.—As becomes the Indian nature, Wilbur Benjamin, the murderer of little Violet Gilmer, met death on the gallows at Folsom prison today as stoically as he faced his accusers at his trial and heard the fatal words of the justice who sentenced him to be hanged for his awful crime.

Benjamin smoked while Warden Reilly read the death warrant to him. Last night he slept like a child. This morning he ate and relished a breakfast as if nothing untoward was impending.

At 10.15 a. m. he walked up the steps to the gallows' frame without a falter.

He directed the guards how to adjust the black cap over his head and the blindfold rope. Regarding his crime, he had nothing to say.

FELL OVER PRECIPICE AT LAND'S END, S. F. BAY
San Francisco, Oct. 29.—Stumbling over the precipice at Land's End, Stephen Driver, the 15-year-old son of C. W. Driver, a wealthy farmer, fell 200 feet to the rocks below yesterday and was fatally injured. It was several hours before aid could reach the unconscious boy, the rescuers arriving just as the rising tide was about to wash him into the sea.

IT'S THE WORLD'S BEST.
No one has ever made a salve, ointment or balm to compare with Buckle's Arnica Salve. It's the one perfect healer of Cuts, Corns, Burns, Bruises, Sores, Scalds, Bolls, Cancers, Eczema, Salt Rheum, Erysipelas, Cold Sores, Chapped Hands, or Sprains. It's supreme. Infallible for Piles. Only 25c at Z. C. M. I. Drug department, 112-114 Main street, Salt Lake City.

INDICTED FOR VIOLATING THE PURE FOOD LAW
San Francisco, Oct. 29.—Charging violations of the pure food and drug act, the federal grand jury for the northern district of California brought in indictments late yesterday against six well-known manufacturing firms. Four accounts were brought against the California Fruit Canners' association, here for adulteration of jams.

The Lewis Manufacturing company was accused of misbranding tomato catsup.

A charge of shipping falsely branded Syrup was made against the Sarden Syrup company.

The D. Ghiradelli company was charged with misbranding Italian chocolate.

One count charging the misbranding of ginger brandy was brought against Schlusser and Bender, liquor refiners.

Fleishman & Clark company was charged with adulterating extract of peppermint.

NEW TURN IN COAL LAND FRAUDS INVESTIGATION
Spokane, Wash., Oct. 29.—Proceedings in the federal grand jury room, which have been occupied the last week with the hearing of testimony in the Alaska coal land frauds, were varied yesterday with the introduction of testimony relative to the obtaining of timber and mineral lands in Stevens county, Washington, in the Pend d'Oreille river district, north to the Canadian boundary. About 20 witnesses were examined, including T. J. Foster, head of the government secret service at Seattle and numerous homesteaders.

United States Agent G. P. Caples, who was prominent in the Oregon fraud cases, had charge of the witnesses. It is said that the hearing involves the alleged usurpation of water rights in the northern part of the state.

The testimony was in connection with the location of people on government land and the subsequent transfer of the land through power of attorney, in which allegations of frauds are alleged to have materialized.

REACHING THE TOP.
In any calling of life, demands a vigorous body and a keen brain. Without health there is no success. But Electric Bitters is the greatest Health Builder the world has ever known. It compels perfect action of stomach, liver, kidneys, bowels, purifies and enriches the blood, tones and invigorates the whole system and enables you to stand the wear and tear of your daily work. "After months of suffering from Kidney Trouble," writes W. M. Sherman, of Cushing, Me., "three bottles of Electric Bitters made me feel like a new man." 50c at Z. C. M. I. Drug department, 112-114 Main street, Salt Lake City.

MADE SURE OF HIS FAMILY BY CALL ROLL OF NAMES
Paragould, Ark., Oct. 29.—A man, woman and 11 children were the center of attraction at the Union station in this city last night just as they were preparing to board an outgoing train. The father had a hard time keeping his offspring together, and feared lest he might leave one behind, he pulled out a pocket memorandum, lined his progeny up in a row and called their respective names each child answering "here" when his name was called. He then marched to the train.

OGDEN EXCURSION.
Sunday, October 30th, via Oregon Short Line. Round trip \$1.00. Choice of twenty six trains. Forty five minute service.

HAVE YOU PILES?

Then Get Hem-Roid Under Money-Back Guarantee.

Blind piles, protruding piles, itching piles, are cured with equal success by the guaranteed internal remedy, Dr. Leonard's Hem-Roid. The guarantee is so broad that it costs you nothing if you get no benefit. Don't waste any more time with salves, suppositories or other outside treatment. Attack the cause. Hem-Roid—40 for large bottle, lasting 24 days, at Schramm-Johnson Drug Stores, Dr. Leonard Co., Station B, Buffalo, N. Y. Props. Write for booklet.

WEALTHY FARMERS CHARGED WITH CATTLE STEALING

Muskogee, Okla., Oct. 29.—Robert Davis and "Pony" Stutz, two wealthy farmers, the latter formerly a deputy sheriff of this county, were yesterday held in bonds of \$4,000 each on charges of cattle stealing.

Going among various herds of cattle near here the men cut out the best steers and drove them away. It is charged when a carload had been obtained, says the prosecution, they were shipped to Kansas City and sold. The hides of the cattle were brought here from Kansas City to be used as exhibits in the trial. They were identified by brands. A check the accused men received from a commission house for cattle caused them to be suspected.

THE MAJORITY SAYS SAFE.

Nome, Alaska, Oct. 29.—The gasoline schooner Sacha, which had been given up for lost has arrived here safely. The little schooner left Kotzebue sound three weeks ago and encountered severe weather in Bering strait. The schooner had to jettison her cargo, but none of the passengers were injured.

Chas. T. Hicks Clay Company

CAPITAL \$200,000
AN ASSURANCE OF THE FUTURE

Dear Sir:

After a personal examination of the company's property and a test of the kaolin, both chemical and physical, I do not hesitate to say that it is the best kaolin deposit in the world. The enormous depth of this deposit, and the fact that it is one of the most ideal mining propositions I have ever seen. I was in St. Louis April 12th, and saw your refined clay from samples of the crude you had sent there to be washed, and heard it pronounced by experts to be superior to the best English clays and without a peer.

It shows greater plasticity than any other kaolin ever discovered, and this alone places it in a class by itself. The size of the deposit is less than one half the size of the finest English clays, thus making it the finest deposit, and therefore the best. It is as white as snow, and as fine as flour. I have positive assurance from a St. Louis firm that they can dispose of 50,000 tons the first year and can double this the second year.

Very truly yours,
Chas. T. Hicks

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STUDENTS' CONTEMPT FOR SCHOLARSHIP

Prest, Lowell Doubts If Respect for It Was Ever So Low in American Colleges.

Albany, N. Y., Oct. 28.—That the appreciation of scholarship among students is very low would hardly seem to need demonstration, was the assertion of President Lowell of Harvard university in an address today before the university convocation.

"In cases of colleges," he continued, "it is notorious, and what is true there is certain in time to work down into the schools to an even greater extent than it has done already. Sayings familiar among students, such as that high scholars never amount to anything afterward, that in later life the 'sports' pass the 'grinds' are sufficient evidence of the way in which they regard rank."

"It requires, indeed, little familiarity with students to recognize that they not only regard the athlete or the man of social prominence as a far more promising personality than the high scholar, but that rank in itself is in their minds little or no indication whatever of the qualities that make for success in life. This feeling seems to have been progressive, as is shown by the very words used to indicate the student who works hard. A generation ago he was called a 'grind,' but now he is often referred to as a 'greasy grind,' the adjective of course being used to imply contempt. In fact, it may be doubted whether the respect for scholarship has ever been so low in any institution of learning as it is in American colleges at the present time."

SCHOOL BOYS SHOWING THEIR CIVIC PRIDE

Kansas City, Kan., Oct. 29.—School boys—1,500 of them—are going to clean up the streets in the Sixth ward here today. The work is a matter of municipal pride with them. They are not going to receive a penny for it. The district that is to be swept has not had a thorough cleaning for seven years. The city is not able to employ men to do the work. When the boys learned of this they immediately offered their assistance. Brooms, shovels and wagons will be supplied them. Clubwomen, too, are evincing interest in the movement for clean streets. They expect every ward in the city to be cleaned by boys before winter.

CRADLE OF METHODISM.

New York, Oct. 29.—The John Street Methodist Episcopal church here called the cradle of American Methodism, is today celebrating its one hundredth birthday. The original building of the congregation was opened on the present site Oct. 30, 1768, by Philip Embury, a carpenter, who was the first minister.

JAPS SORE OVER SEIZING OF POACHING SCHOONERS

Victoria, B. C., Oct. 29.—Japanese newspapers protest bitterly against the alleged injustice done to poaching in Bering sea by United States revenue cutters and officials. The Nippon says the sealing schooner Hokai Maru seized this season, was not guilty of poaching on the sealing grounds, but because a few fresh fish were on her deck and were inferred to have been taken in United States waters, she was seized, and the crew of 38 men and \$500 each, making a total of \$19,000. They were told if they wished to appeal they must do so in 30 days and

put up \$10,000 each. This being impossible they were imprisoned. The Nippon also states that Tora Maru was fined \$400 for not reporting when calling for water.

RABIES WIDESPREAD IN NORTHEASTERN KANSAS

Topeka, Kan., Oct. 29.—So widespread has rabies become in four counties in northeastern Kansas that the state board of health has ordered a quarantine of all dogs in these communities. The quarantine order provides that every dog must be fitted with a muzzle during the next 90 days. Unmuzzled dogs will be shot. Fifty cases of rabies, originating among persons residing in northeastern Kansas and northwestern Missouri, have been treated in the last three months at Topeka and Chicago Pasteur institutes.

FOR MORE THAN THREE DECADES

Foley's Honey and Tar has been a household favorite for coughs, colds, and ailments of the throat, chest and lungs. Contains no opiates.—Schramm-Johnson Drug Co.

JAPAN'S NEW NAVAL EXPANSION PROGRAM

Victoria, B. C., Oct. 29.—Admiral Yamamoto and other prominent naval authorities interviewed by the Nichi Nichi state that under the new naval expansion program the fixed policy will be to confine construction and armament manufacture to Japan, and the expansion of the Japanese navy be limited only to the capacity of Japanese shipyards. The government will also do much to foster the iron industry in Japan. Count Katsura, Japan's premier, in an interview on the naval expansion


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The Store for Men and Boys

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It looks to us as though the weatherman were prejudiced in favor of the other side.

Western Fuel Co.

(Criticlow, Fishcher & Kitt)
Cable address, "Western"
Phones 719, 73 Main Street



A Great Chance for You

Mr. Investor

We are offering you stock in a proposition which is bonded by the Granite Securities Co. of Los Angeles. Bonds being held in escrow by the Oil and Metals Bank and Trust Co. of Los Angeles. Every dollar invested in stock will be guaranteed by one dollar in bonds. Every stockholder is absolutely guaranteed 10 per cent dividends.


The American China Clay Co. controls over 1,100 acres of ground on which is the largest deposit of kaolin or china clay in the world, and the clay is of a character only found heretofore in the finest imported product. This material is in great demand, the supply is limited and the opening of this great deposit and placing of the kaolin on the market will mean that investors will net as high as 10 per cent dividends per month.

Buy Stock Now

For a short time the company will sell stock at par \$1.00. The demand for stock will soon take up the amount allotted to sell, then an advance without notice; so get in early. Read the accompanying letters—come to our office and read dozens more—just as strong and conclusive. We have a steam shovel proposition and the installing of mills and machinery will make our property the biggest producer in the state of Utah. Write or call today. Booklet and particulars will be mailed upon request or may be had at the company's office.

TERMS—5% discount for cash; 40% cash required on time payments.

P. S. Property located in Cedar Valley, Utah, and the factories will be built there. Send remittances to the American China Clay Co. or the National Copper Bank.



Perley P. Christensen, Esq.

Dear Sir:


We have fired the small sample of kaolin sent us and are satisfied from the results that the material is excellent. It is doubtful whether there is anything better in the United States.

Very truly,
H. Wells

American China Clay Co.

626 Judge Building

P. O. BOX, NO. 122.



UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF PUBLIC ROADS,
WASHINGTON, D. C.

Mr. Homer J. Kendall:

Dear Sir:

Samples of clay which were forwarded by you to the department have reached this office. I am much interested in the small samples which you have sent, as they appear to be of a very good quality. Perfectly white clays such as represented by one of your samples, are not very common in this country and are in demand for various purposes. The demand for these clays, come not only from the pottery industries, but also from the manufacture of white Portland cement and for filling in power manufacturing.

Respectfully yours,
A. F. Ashman
Act. Sec.

Arrived

BLACK SUEDE Button Shoes.
\$5.50 grade, only\$1.50
In Queen Quality.

Our great sample shoe sale is still on.

This is the most successful sale we have ever had. If you want shoes to fit men, women or children at about 1-2 price. Call on us.

Vincent Shoe Co.

110 Main St.

U.S. CANCER CURE

I WILL GIVE \$1000
IF I FAIL TO CURE ANY CANCER OR TUMOR
I TREAT BEFORE IT POISONS DEEP GLANDS
WITHOUT KNIFE OR PAIN. VEGETABLE PLASTER
5000 CURES

SWORN TO: Ministers,
Judges, Lawyers, Doctors
& Millionaires. No X-Ray
OR OTHER SWINDLES
WRITTEN GUARANTEES
Cancers never PAIN, they
twitch, swell, burn, bleed,
Lump or Bore on the
Lip, Face or Body 8
months IS CANCER.
120-PAGE BOOK
SENT FREE with
testimonial of one
cured after others
failed. Write, and I will
send you the book.

ANY LUMP IN WOMAN'S BREAST
IS CANCER, and if neglected it ALWAYS
poisons blood and kills. Address DR. & MRS. DR. CHAMLEY, CLAY
Managers for U. S. CANCER CURE, Largest in the WORLD
745 and 747 S. MAIN ST., LOS ANGELES, CAL.
MAIL THIS TO SOMEONE WITH CANCER